

## **Remarks**

Applicants and the undersigned would like to thank the Examiner for her efforts in the examination of this application. Reconsideration is respectfully requested.

### **I. Objection to the Specification**

The Examiner has objected to the specification for several informalities. These have been addressed as follows:

The word “co-pending” has been removed from the first paragraph on page 1.

The headings that are purported to be missing letters are not in fact missing letters. Applicants respectfully suggest that there may have been a problem in scanning at the PTO. These headings have, however, been reproduced above. As there is no heading on page 12, that on page 13 has been reproduced.

The trademarked names have been amended according to information located on the USPTO website. No trademark has been found for “DEC Alpha”, either on the USPTO website or on the manufacturer’s website. Ahead of the word “server”, which is believed to correctly describe that device, has been inserted RISC, which is used in the product literature to describe it. RISC stands for “reduced instruction set computer”.

It is hoped that these amendments adequately address the Examiner’s objections.

### **II. Rejection of Claims 1-8, 12, 14, and 17-25 under 35 USC 102(e)**

The Examiner has rejected Claims 1-8, 13, 14, and 17-25 under 35 USC 102(e) as being anticipated by Poor (US 5,672,060).

This rejection is respectfully traversed. Independent Claims 1 and 17 both include recitations directed to portions of the answer page, wherein a first portion contains “an answer space in which an answer to an open-ended question is expected to reside”. Claim 1 further contains the recitation of a step wherein, “if the first portion of the answer page does not encompass a complete answer, accessing and viewing a second visual image of a second portion of the answer page, the second portion comprising a sector of the answer page outside the answer space”. Claim 17 further contains the recitation of a step of “permitting reader visual access on the display device to a second portion of the answer page at least partially outside the first portion.”

The Examiner references Poor '060 at column 9, lines 6-12, which reads: “Whenever possible, the capture process should be set up so that the full width of the assessment material’s image can be viewed on the screen at one time. If the length of the image exceeds the vertical display capability of the computer monitor, a method is desirably included to smoothly ‘scroll’ the image up and down on the screen so that the entire image can be easily viewed by the scorer.”

However, earlier in Poor, the definition of “the assessment material’s image” is clearly delineated: “In the scoring of nonobjective assessment materials, OMR can be used to detect marks in areas designated for recording the assessment materials, assessment areas.” [col. 5, lines 45-47] “By applying image capture processes to only the portion of the assessment are [sic, area] in which marks are detected, the process runs faster and consumes less file storage space.” [col. 5, lines 55-57] “First, the scanner would be used to scan the assessment portion of the document . . .” [col 7, lines 3-4] “[F]or each respondent document scanned, a new captured image will be placed in the Image-Base

file 10 whenever marks are detected in the assessment area. FIG. 5 shows a completed handwritten essay 22 in Assessment Area 7'." [col. 7, line 66 - col. 8, line 3] Please also note the instructions reproduced in FIG. 5: "BE SURE TO KEEP YOUR WRITTEN ESSAY WITHIN THE RED BORDER."

Clearly, therefore, Poor teaches that it is preferred to capture an image within a predefined region of a page *at the most*, and that areas outside that region are *not* captured. Poor thus teaches away from the invention as claimed in Claims 1 and 17, which recite an ability to access portions of an image that lie outside the "answer space in which an answer to an open-ended question is expected to reside".

In context, then, the scrolling referred to in the cited portion of Poor refers to scrolling along the captured image on a computer monitor, the captured image comprising that assessment area referred to earlier in the patent, not in a region outside the assessment area.

Therefore, it is respectfully believed that independent Claims 1 and 17, and Claims 2-8, 13, 14, and 18-25 are not anticipated by Poor '060.

### **III. Rejection of Claims 9, 10-12, 15, and 16 under 35 USC 103(a)**

The Examiner has rejected Claims 9, 15, and 16 under 35 USC 103(a) as being unpatentable over Poor '060 in view of Clark et al. (US 5,321,611); Claim 10, over Poor '060 in view of Walker (US 6,093,026); Claim 11, over Poor '060 in view of Martinez (US 5,211,564); and Claim 12, over Poor '060/Martinez in view of Bier et al. (US 5,581,670).

As these claims are dependent, directly or indirectly, from Claim 1, these claims are also believed to patentable define over the cited art.

## Conclusions

Applicants respectfully submit that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicants and the undersigned would like to again thank the Examiner for her efforts in the examination of this application and for reconsideration of the claims as amended in light of the arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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## CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 24<sup>th</sup> day of November, 2004.



Edward Bradley